

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS M. KRAUS,

Defendant.

No. 06-CR-30138

ORDER

HERNDON, District Judge:

Before the Court is a motion to continue trial submitted by Defendant Kraus. (Doc. 172.) The Court finds that the trial should be postponed because Defendant and the Government are involved in ongoing discussions concerning a possible plea agreement. In addition, the Court finds that pursuant to **18 U.S.C. § 3161(h)(8)(A)**, the ends of justice served by the granting of such a continuance outweigh the interests of the public and Defendant Peterson in a speedy trial because failure to grant a continuance would unreasonably interfere with the current plea negotiations, which if successful would serve all parties' interest in a just and efficient outcome. Moreover, the Court has been notified that nearly all other defendants are going to plead to guilty and additional time is needed for those defendants as well. As for any defendant who has not yet agreed to plead guilty or who will never agree to plead guilty, additional time is needed to determine the full impact of all of these

pleas and who is and is not cooperating. Clearly, to go forward now would visit a manifest miscarriage of justice upon all concerned. Furthermore, the Court finds pursuant to **18 U.S.C. § 3161(h)(7)** that since no motion to sever has been filed, the trial should be continued for the other co-defendants scheduled for trial that day, February 12, 2007: Bobby Lee Morber, Tina M. Peterson, Michael Allgire, Lawrence Keniley, Timothy Kempf, John R. Laird, Joshua J. Jarvis, Keith D. Kunze, and Kevin M. Kunze (collectively referred to herein as “Co-Defendants”). A single trial is favored to preserve the resources of the Court and to promote efficiencies. Therefore, the Court **GRANTS** Defendant Kraus’ motion to continue (Doc. 172) and continues the trial scheduled for February 12, 2007 for Defendant Kraus and Co-Defendants until May 14, 2007. The time from the date Defendant Kraus’ motion was raised, January 8, 2007, until the date on which the trial is rescheduled, May 14, 2007, is excludable time for the purposes of speedy trial.

IT IS SO ORDERED.

Signed this 9th day of January, 2007.

/s/ David RHerndon
United States District Judge